

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

GWACS ARMORY, LLC

Plaintiff,

V.

**KE ARMS, LLC, RUSSELL PHAGAN,
SINISTRAL SHOOTING
TECHNOLOGIES, LLC, BROWNELLS,
INC., and SHAWN NEALON,**

Defendants.

and

KE ARMS, LLC,

Plaintiff,

V.

**GWACS ARMORY, LLC, GWACS
DEFENSE INCORPORATED, JUD
GRUDEL, RUSSEL ANDERSON, DOES I
through X, and ROE CORPORATIONS I
through X,**

Defendants.

Case No.:20-cv-0341-CVE-SH
BASE FILE

Consolidated with:
Case No. 21-CV-0107-CVE-JFJ

DECLARATION OF ALEANDER CALAWAY IN SUPPORT OF DEFENDANTS' MOTIONS FOR: (A) LEAVE TO SUPPLEMENT THEIR DISPOSITIVE MOTION BRIEFING (DKT. 117, 118, 119, 120, 159, 160, 161, 162) WITH EVIDENCE WITHELD BY PLAINTIFF IN DISCOVERY; AND (B) SPOILIATION SANCTIONS

Alexander Calaway, declares as follows:

1. I am counsel of record for defendants in the above-reference matter and I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

2. I make this declaration in support of the defendants' motion for leave to supplement their dispositive motion briefing (Dkt. 117, 118, 119, 120, 159, 160, 161, 162) with evidence

withheld by plaintiff in discovery. I also make this declaration in support of defendants' motion for spoliation sanctions against plaintiff.

3. **Exhibit 1** is a true and correct copy of KE Arms, LLC's ("KEA") Second Request for Production of Documents served on November 24, 2021.

4. **Exhibit 2** is a true and correct copy of GWACS Armory, LLC's ("Armory") Responses the KEA's Discovery Requests served on December 27, 2021.

5. **Exhibit 3** is a true and correct copy of my letter to Armory's counsel dated January 3, 2022.

6. **Exhibit 4** is a true and correct copy of KEA's Amended Second Request for Production of Documents served on February 10, 2022.

7. **Exhibit 5** is a true and correct copy of Armory's Responses the KEA's Discovery Requests served on March 1, 2022.

8. **Exhibit 6** is a true and correct copy of a letter to Armory's counsel dated July 20, 2022. As of the date of this filing, Armory's counsel has not responded to this letter nor my requests to confer.

9. **Exhibit 7** is a true and correct copy of an email exchange with Armory's counsel dated October 18, 2022. As of the date of this filing, Armory's counsel has not responded to this email nor my requests to confer.

Executed on this 23rd day of November 2022.

/s/ Alexander Calaway
Alexander Calaway